

LAW OFFICES  
**LEVENTHAL, SENTER & LERMAN P.L.L.C**  
SUITE 600  
2000 K STREET, N.W.  
WASHINGTON, D.C. 20006-1809

NORMAN P. LEVENTHAL  
MEREDITH S. SENTER, JR.  
STEVEN ALMAN LERMAN  
RAUL R. RODRIGUEZ  
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JOHN D. POUTASSE  
MATTHEW H. BRENNER  
CHRISTOPHER J. SOVA  
PHILIP A. BONOMO  
COLIN D. HORST

TELEPHONE  
(202) 429-8970

TELECOPIER  
(202) 293-7783

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WRITER'S DIRECT DIAL  
202-416-6774

WRITER'S DIRECT FAX  
202-429-4614

WRITER'S E-MAIL  
JPOUTASSE@LSL-LAW.COM

**VIA HAND DELIVERY**

Ms. Magalie R. Salas  
Secretary  
Federal Communications Commission  
The Portals  
445 12th Street, SW  
Washington, DC 20554

**Re: Reply to Opposition to Petition for Reconsideration  
MM Docket Nos. 98-43 and 94-149**

Dear Ms. Salas:

On behalf of Central Florida Educational Television, Inc. and Good Life Broadcasting, Inc. ("Petitioners"), transmitted herewith are an original and eleven copies of Petitioners' Reply to the Opposition to Petition for Reconsideration filed by Press Communications, LLC in the above-captioned proceeding (*1998 Biennial Regulatory Review - Streamlining of Mass Media Applications, Rules and Processes*, FCC 98-281 (MM Docket Nos. 98-43 and 94-149) (released November 25, 1998)).

Please date-stamp the enclosed "Return Copy" of this Reply and return it to the courier delivering the package.

LEVENTHAL, SENTER & LERMAN P.L.L.C.

Ms. Magalie R. Salas

March 4, 1999

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Should there be any questions concerning this matter, please contact the undersigned.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "J.D. Poutasse", with a stylized, sweeping flourish at the end.

John D. Poutasse

cc: Clay C. Pendarvis, Esq. (via hand delivery)  
Harry F. Cole, Esq.

BEFORE THE

**Federal Communications Commission**

WASHINGTON, D.C. 20554

In the Matter of	)	
	)	
1998 Biennial Regulatory Review -	)	MM Docket No. 98-43
Streamlining of Mass Media	)	
Applications, Rules and Procedures	)	
	)	
Policies and Rules Regarding Minority	)	MM Docket No. 94-149
and Female Ownership of Mass Media	)	
Facilities	)	

To: The Commission

**REPLY TO OPPOSITION**

Central Florida Educational Television, Inc. ("Central Florida") and Good Life Broadcasting, Inc. ("Good Life") (jointly, "Petitioners") hereby reply to the Opposition to Petition for Reconsideration (the "Opposition") filed by Press Communications LLC ("Press") in the above-captioned proceeding. *1998 Biennial Regulatory Review - Streamlining of Mass Media Applications, Rules, and Processes*, FCC 98-281 (MM Docket Nos. 98-43 and 94-149) (released November 25, 1998) (the "Report and Order").

Petitioners sought reconsideration of the retroactive application of the change in Section 73.3598 of the Commission's rules, which provides for automatic forfeiture of a construction permit upon the expiration of a three-year construction period, to existing permittees for whom the three-year construction period has already expired. See Central Florida and Good Life Petition for Reconsideration, filed January 19, 1999 ("Petition"). Petitioners argued that the retroactive application of this rule change to permittees who have been unable to construct their facilities because of the pendency of adjudicatory proceedings -- without providing any type of

transition period -- was inequitable and contrary to the public interest. Petitioners pointed out that long-standing Commission precedent makes clear that a permittee may not construct during the pendency of an extension or reinstatement application and should not be faulted for not constructing while a grant of a construction permit is clouded by a pending administrative or judicial challenge. Petition at 6 (citing California State University, Sacramento, 13 FCC Rcd 17960, 17964-65 (1998)).

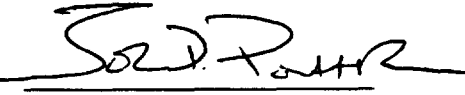
In its Opposition, Press argues why it believes Central Florida does not hold a valid permit, Opposition at ¶¶ 3-7. Press's Opposition begs the question. The issue is whether it is fair for the Commission to cancel automatically construction permits of permittees who have been unable to construct because of the pendency of adjudicatory proceedings. See Petition at pp. 5-8. Petitioners pointed out in their Petition that the new rule is unfair because it effectively results in the automatic cancellation of permits subject to pending adjudicatory proceedings without ever reaching the merits of the proceeding. Regardless of Press's views on the merits of the Commission's actions concerning the WLCB permit, Central Florida is one of a group of permittees who have been unable to construct their stations for several years because of pending adjudicatory proceedings regarding the permits. As a member of a group of permittees that will be adversely affected by the retroactive application of the revised Section 73.3598, Central Florida's request for reconsideration of the Report and Order was entirely proper and justified.

For the reasons set forth herein and in the Petition, Petitioners respectfully request that Opposition be denied and that the Commission reconsider its decision in this proceeding in accordance with the Petition.

Respectfully submitted,

**CENTRAL FLORIDA EDUCATIONAL  
TELEVISION, INC.**

**GOOD LIFE BROADCASTING, INC.**

By: 

Meredith S. Senter, Jr.

Sally A. Buckman

John D. Poutasse

Leventhal, Senter & Lerman P.L.L.C.  
2000 K Street, NW, Suite 600  
Washington, D.C. 20006  
(202) 429-8970

March 4, 1999

Their Attorneys

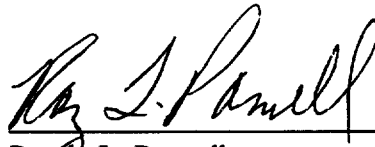
**CERTIFICATE OF SERVICE**

I, Randy L. Pannell, hereby certify that on this 4th day of March, 1999, I have caused a copy of the foregoing "Reply to Opposition to Petition for Reconsideration" to be delivered via First Class U.S. Mail, postage prepaid, to the following:

Harry F. Cole, Esq.  
Bechtel & Cole, Chartered  
1901 L Street, NW - Suite 250  
Washington, DC 20036

Clay C. Pendarvis, Chief \*  
Television Branch  
Video Services Division  
Federal Communications Commission  
445 12th Street, SW  
Washington, DC 20554

\* Via Hand Delivery

  
Randy L. Pannell